

Appl. No. 10/764,931
Atty. Docket No. CM2491D
Amdt. dated October 30, 2006
Reply to Office Action of July 28, 2006
Customer No. 27752

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REMARKS/ARGUMENTS

Claims 2 and 6 (which now depends from Claim 2) are under consideration.

Method-of-use Claim 2 has been amended to recite the compositional elements of Claims 1 and 28 of granted parent U.S. 6,683,036 B2 and the use of the composition by spraying it onto a cookware or tableware surface with the spray having a certain droplet size. A typographical error has also been corrected. Support for the amendments can be found on page 10, lines 25-29; page 12, lines 10-14 and page 20, lines 10-12.

Applicants thank the Examiner for the withdrawal of the objection to Claims 6, 11 and 12 and the acknowledgement of Applicant's priority claim.

Rejections Under 35 USC §103(a) over U.S. 5,891,836 (Kacher et al.), U.S. 6,090,764 (Hees et al.) or JP 2000-44990, all in view of U.S. 2002/0010106 (Uchiyama et al.)

Claims 2 and 6-12 stand rejected over Kacher et al., Hees et al. or JP 2000-44990, all in view of Uchiyama et al.. Specifically that one of skill in the art would use the compositions of Kacher et al., Hees et al., and JP 2000-44990 to soak dishes and the wash by hand the tableware. It is further stated that Kacher et al., Hees et al., and JP 2000-44990 do not teach or suggest the use of cyclodextrin or a method of removing soils from tableware using a composition the components of the claimed invention of the present application.

Applicants respectfully submit that a prima facie case has not been established as the cited references of Kacher et al., Hees et al., and JP 2000-44990 fail to teach or suggest the claimed invention of the present application. First, the required element of surface tension required in the present application is not taught or suggestion. Second, the method of use, as amended, more specifically discusses spraying a droplet size of the described composition onto cookware and tableware.

Uchiyama et al. is cited in an attempt to address the inclusion of cyclodextrin into the described composition of the claimed invention. However, Uchiyama et al. does not teach or suggest the surface tension required in the present application.

Also, it does not discuss or teach the use of an organoamine solvent in combination with a cyclodextrin malodor-control agent. Rather, it briefly discussed very low molecular weight amines as not complexing effectively with cyclodextrin (except during fabric drying) in the context of being "unwanted molecules". Paragraph [0018].

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Additionally, there is no motivation for one of skill in the art to combine Uchiyama et al. with the compositions of Kacher et al., Hees et al., or JP 2000-44990. Namely, as Uchiyama et al. is described in the July 28, 2006, office action, "Uchiyama et al teach [sic] a stable composition for removing unwanted molecules from a surface comprising cyclodextrin. The compositions are suitable for capturing unwanted molecules from inanimate surfaces including dishes." However, the claimed method of use does not utilize cyclodextrin to capture unwanted molecules from inanimate surfaces. Rather, as discussed on page 14, lines 8-16, is that organic solvents are perceived by consumers as "malodorous" and that cyclodextrin is used in order to help control solvent malodor (page 15, lines 8-9). Said another way, 2002/106 treats various amines in the context of malodorous (i.e., unwanted) molecules, whereas the present invention employs amines as a cleaning solvent.

Uchiyama et al. further discusses that cyclodextrin does not complex effectively with some very low molecular weight organic amines and acids when they are present at low levels on wet fabrics, but as the water is removed, there is more affinity between the cyclodextrin and such unwanted molecules. Applicants submit that the Examiner's statement that one of skill in the art would reasonable expect success is misplaced. There is no reasoning set for why one of skill in the art would reasonable expect success in a solvent system comprising an organoamine solvent; a water miscible organic solvent; and a limited water-miscible organic solvent wherein the water-miscible organic solvent is selected from the group consisting of: alcohols, glycols, esters, glycol ethers, terpenes and mixtures thereof and cyclodextrin as discussed in Uchiyama et al.

As such, Applicants submit that one of skill in the art would not combine Uchiyama et al. with Kacher et al., Hees et al., or JP 2000-44990 without impermissible hindsight after reading the Applicants' application. As such a *prima facie* case of obviousness cannot be established and the rejection under 35 U.S.C. § 103(a) should be withdrawn.

Double Patenting Rejection

Claims 2 and 6 have provisionally been rejected on the ground of nonstatutory obviousness-type double patenting over claims 36-40 of copending application no. 09/909233 in view of Uchiyama et al. or claims 30-35 of 09/909288 in view of Uchiyama et al..

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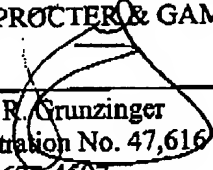
As expressed above, Applicants submit that Uchiyama et al. would not be combined to arrive at the present invention. As such Applicants traverse the obviousness-type double patenting.

In light of the foregoing, it is submitted that Claims 2 and 6 are in immediate condition for allowance. Early and favorable action is requested.

Respectfully submitted,

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